IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELE RICCI : CIVIL ACTION

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v. : No. 02-4330

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AETNA, INC. d/b/a AETNA U.S. : HEALTHCARE and AETNA LIFE : INSURANCE COMPANY :

ORDER

AND NOW, this 27th day of July, 2005, it is **ORDERED** that oral argument on the cross-motions for summary judgment is scheduled for **Thursday**, **August 11**, **2005**, **at 2:00** p.m., in **Courtroom 15B**.

The parties shall be prepared to address (where appropriate, with citations to the record) the following issues:

- 1. What standard of review governs?
- 2. What is the relationship among Aetna, Inc., Aetna Life Insurance Company and Covance?
- 3. Who made the ultimate determination to terminate benefits Aetna or Covance?
- 4. Was the plaintiff under the care of a physician "for" a disabling condition? If so, what?
 - 5. Is Dr. Schwartz a physician under the policy?
- 6. Is a patient treating with a physician for the "sequelae" of a physical condition under the care of a physician?
 - 7. Did the claims administrator or appeal team member involved in considering

of Ricci's claim know what the word "sequelae" meant?

- 8. Did Ricci's depression cause the disabling condition?
- 9. Is there any dispute that Ricci's depression was caused by chronic fatigue syndrome?
- 10. What is the effect, if any, of Aetna's having paid disability benefits for approximately six years based on the presence of a physical disability, chronic fatigue syndrome?
- 11. Did Aetna's failure to order the blood tests requested by its own physician constitute an anomaly?
- 12. Did Aetna's failure to consult the original physician, whom it had retained to perform an evaluation, to follow up his evaluation as he had suggested constitute a procedural anomaly?
- 13. Did Aetna's failure to obtain the requisite blood tests before making its final determination, after its own doctor requested them, constitute a procedural anomaly?

/s/	
TIMOTHY J. SAVAGE,	J.